

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:15-CR-46-BO
No. 4:18-CV-118-BO

TERRY LAMONT SPELLER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.


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ORDER

This cause comes before the Court on petitioner's motion to amend his motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. [DE 73]. The law is well settled that "leave to amend a pleading should be denied *only* when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile." *Edwards v. City of Goldsboro*, 178 F.3d 231, 242 (4th Cir. 1999) (emphasis in original, internal quotation marks and citation omitted).

For good cause shown, petitioner's motion to amend his Section 2255 motion [DE 73] is GRANTED. Respondent's motion to dismiss the original Section 2255 motion [DE 67] is DENIED AS MOOT. Respondent is DIRECTED to respond to petitioner's amended Section 2255 motion [DE 73-1] as appropriate under Rule 5 within forty (40) days.

SO ORDERED, this 14 day of October, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE